

**SUPERIOR COURT
OF THE
STATE OF DELAWARE**

T. HENLEY GRAVES
RESIDENT JUDGE

SUSSEX COUNTY COURTHOUSE
ONE THE CIRCLE, SUITE 2
GEORGETOWN, DE 19947

August 27, 2009

Thomas A. Pedersen, Esquire
5 West Market Street
Georgetown, DE 19947

Donald A. Bucklin, Esquire
Department of Justice
114 East Market Street
Georgetown, DE 19947

RE: State v. Curtis Williams

Defendant ID No. 0905009577

Dear Counsel:

The defense has filed a Motion to Suppress the evidence seized following the execution of a search warrant at the Defendant's residence.

As noted by the defense, the Court must review the "four corners" of the warrant affidavit to determine if probable cause exists for a warrant to issue.

The defense complains that the confidential informant was not noted as being past-proven reliable. The defense also complains that the affidavit itself does not go into detail as to whether the controlled purchase protocol was followed.

The defense is correct that the initial report from the confidential informant does not have any indicia of reliability to constitute probable cause. But, and it's a big "BUT", that informant (a) confirmed by way of a photograph that the person who was the target of the warrant (the Defendant) was known by him/her; and, (b) made a controlled purchase from "Curtis" through the oversight of the Delaware State Police. While more detail may be better, I am satisfied that a common sense review of the contents of the warrant established probable cause for the warrant to have been issued. It establishes the police used the confidential informant to make a "controlled purchase".

The Motion to Suppress is denied.

IT IS SO ORDERED.

Yours very truly,

T. Henley Graves

THG:baj
cc: Prothonotary